REMARKS

In the present response, claims 1-20 are unchanged, and no claims are canceled or added. Therefore, the present application has pending claims 1-20.

35 U.S.C. §103 Rejections

Claims 1-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U. S. Patent No. 5,790,664 to Coley et al. ("Coley") in view of U. S. Patent No. 5,671,412 to Christiano, further in view of U.S. Patent Application Publication No. 2002/0169625 to Yang et al. ("Yang"). This rejection is traversed for the following reasons. Applicants submit that the features of the present invention, as clearly recited in claims 1-20, are not taught or suggested by Coley or Christiano, whether taken individually or in combination with each other in the manner suggested by the Examiner. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw this rejection.

The claims clearly describe features of the present invention. Specifically, the claims clearly recite that the present invention is directed to a digital contents license and privilege method, a digital contents management apparatus, a recording medium for storing a program that can be read in a digital contents license management system, a digital contents license and privilege management system, and a computer program executed in a digital contents license and privilege management system, as recited, for example, in independent claims 1, 6, 7, 11, and 18.

The present invention, as recited in claim 1, and as similarly recited in independent claims 6, 7, 11, and 18, provides a digital contents license and privilege method for managing licenses and privileges granted for digital contents to users.

The method includes steps of registering licenses for digital contents requested to be purchased by each user, and registering an association of the registered licenses with each user in a database. The method also includes storing the digital contents having the registered licenses and information concerning said licenses. A step is performed of receiving from a user a license return request indicating a request to return a license granted for digital contents selected from the stored digital contents. Also, a step is performed of deleting a license from the database, where the deleted license corresponds to the license return request. The method also includes a step of specifying a user corresponding to the deleted license, and associating the specified user with a privilege corresponding to contents of the deleted license or with a privilege corresponding to the license return request for use of the contents in recycle thereof. The prior art does not teach or suggest all of these features.

To further illustrate features of the present invention, the Examiner's attention is directed to page 1, line 22 to page 2, line 12. As described, an object of the present invention is to provide a digital contents management method in which unnecessary digital contents can be easily returned. To achieve this object, in accordance with the present invention, when a user issues a license return request to return a license granted for digital contents already purchased by the user, the license corresponding to the license return request is deleted. The user corresponding to the deleted license is specified, and management is made such that the specified user is associated with contents of the deleted license or with a privilege granted in accordance with the license return request.

The above described features of the present invention, as clearly recited in the claims, are not taught or suggested by any of the references of record.

Specifically, the features are not taught or suggested by either of Coley, Christiano or Yang, whether taken individually or in combination with each other.

Coley teaches an automated system for management of license software. However, there is no teaching or suggestion in Coley of the digital contents license and privilege method, the digital contents management apparatus, the recording medium for storing a program that can be read in a digital contents license management system, the digital contents license and privilege management system, or the computer program executed in a digital contents license and privilege management system, as recited in claim 1, and as similarly recited in claims 6, 7, 11, and 18 of the present invention.

Coley discloses methods and apparatuses for providing a system that automatically tracks the use of software and also for determining whether the software is validly licensed, and enabling or disabling the software accordingly. Exemplary systems involve attaching a licensing system module to a software application. Records of valid licenses are stored in the database maintained by the software provider. The licensing system module transparently forms a license record inquiry message. The message is transparently sent to the database over a public network, such as the Internet, to determine whether a valid license record exists in the database for the software application. The database forms and returns an appropriate response message that is interpreted by the licensing system module. The software application can then be appropriately enabled or disabled by the licensing system module. The receipt of the license record inquiry can be recorded in the database to monitor software use.

Features of the present invention, as recited in claim 1, and as similarly recited in claims 6, 7, 11, and 18, include: deleting a license from the database,

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where the deleted license corresponds to the license return request; specifying a user corresponding to the deleted license; and associating the specified user with a privilege corresponding to contents of the deleted license or with a privilege corresponding to the license return request for use of the contents, which can be recycled. Coley does not disclose these combined features.

As described in column 16, lines 10-19, Coley discloses a procedure that can be used to return a license or disable a feature when a user has completed use of the client application or a feature contained therein. Column 16, lines 20-38 further describes a procedure for deleting an existing license record. However, there is no disclosure in Coley of deleting a license, where the deleted license corresponds to a license return request, and where a privilege corresponding to contents of the deleted license or a privilege corresponding to the license return request, are associated with a specified user corresponding to the deleted license, as in the present invention.

Although the Examiner concedes that Coley does not teach where the deleted license corresponds to a license return request, and further does not teach receiving from a user a license return request indicating a request to return a license granted for digital contents selected from the stored digital contents, the Examiner contends that Coley teaches where a privilege corresponding to contents of the deleted license or a privilege corresponding to the license return request, are associated with a specified user corresponding to the deleted license. To support the assertion that Coley teaches this feature, the Examiner cites column 14, lines 57 to 67. However, neither the cited text nor any other portion of Coley teaches the claimed feature. For example, the cited text merely describes where the license and authorization ID in the client data structure content are analyzed. If these fields

indicate the presence of a valid license, then the client module enables the software application. If the data structure fields for the license and authorization IDs are null, then the client application is not enabled and the client data structure is deleted from the client module. This is not the same as the present invention, where a privilege corresponding to contents of the deleted license or a privilege corresponding to the license return request, are associated with a specified user corresponding to the deleted license.

Therefore, Coley fails to teach or suggest: "<u>deleting a license from said database, said deleted license corresponding to the license return request</u>"; "<u>specifying a user corresponding to said deleted license</u>"; and "<u>associating said specified user with a privilege corresponding to contents of said deleted license or with a privilege corresponding to said license return request for use of the contents, which can be recycled</u>" as recited in claim 1, and as similarly recited in claims 6, 7, 11, and 18.

The above noted deficiencies of Coley are not supplied by any of the other references of record, namely Christiano, whether taken individually or in combination with each other. Therefore, combining the teachings of Coley and Christiano in the manner suggested by the Examiner still fails to teach or suggest the features of the present invention as now more clearly recited in the claims.

Christiano teaches a license management system for software applications. However, there is no teaching or suggestion in Christiano of the digital contents license and privilege method, the digital contents management apparatus, the recording medium for storing a program that can be read in a digital contents license management system, the digital contents license and privilege management system, or the computer program executed in a digital contents license and privilege

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management system, as recited in claim 1, and as similarly recited in claims 6, 7, 11, and 18 of the present invention.

Christiano discloses a software license management system where a license server initializes a license database by receiving a package license description that includes component license descriptions for component software products in a package. Licenses for software products are also received, and license records are created in the license database for components and suite packages, where each record includes a number of licenses available to be checked out. A client computer system can request a license for a component product in a package. A license is granted to the client when the client is allowed to receive the license according to a license policy. When a component license is checked out, a linked suite license is also automatically checked out. As a result, no other client may use a component license linked with the suite license record unless another suite license is checked out. The license management system also provides a number of modifiers to be included in license records, including an overdraft quantity, a fail safe indicator, a minimum license quantity, and a capacity indicator. A finder and a diagnostic process can be implemented at the client computer system to find the license server over a network and provide a tool to diagnose failures in the license management system.

Features of the present invention, as recited in claim 1, and as similarly recited in claims 6, 7, 11, and 18, include: deleting a license from the database, where the deleted license corresponds to the license return request; specifying a user corresponding to the deleted license; and associating the specified user with a privilege corresponding to contents of the deleted license or with a privilege

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corresponding to the license return request for use of the contents, which can be recycled. Christiano does not disclose these combined features.

As described in the abstract, Christiano is directed to a license management system for software applications. There is no disclosure in Christiano of a return request sent by a user or deleting a license based on that return request. Accordingly, Christiano does not teach or suggest deleting a license, where the deleted license corresponds to a license return request, and where a privilege corresponding to contents of the deleted license or a privilege corresponding to the license return request, are associated with a specified user corresponding to the deleted license, as in the present invention, and the Examiner does not rely upon Christiano for teaching any of these features.

Therefore, Christiano fails to teach or suggest: "deleting a license from said database, said deleted license corresponding to the license return request"; "specifying a user corresponding to said deleted license"; and "associating said specified user with a privilege corresponding to contents of said deleted license or with a privilege corresponding to said license return request for use of the contents, which can be recycled" as recited in claim 1, and as similarly recited in claims 6, 7, 11, and 18.

The above noted deficiencies of Coley in view of Christiano are not supplied by any of the other references of record, namely Yang, whether taken individually or in combination with each other. Therefore, combining the teachings of Coley, Christiano and Yang in the manner suggested by the Examiner still fails to teach or suggest the features of the present invention as now more clearly recited in the claims.

Yang teaches a software management system. However, there is no teaching or suggestion in Yang of the the digital contents license and privilege method, the digital contents management apparatus, the recording medium for storing a program that can be read in a digital contents license management system, the digital contents license and privilege management system, or the computer program executed in a digital contents license and privilege management system, as recited in claim 1, and as similarly recited in claims 6, 7, 11, and 18 of the present invention.

Yang discloses a contract management mechanism for managing contracts in the software licensing arena. The management mechanism may be used, for example, to manage one or more fulfillment contracts. In operation (i.e., assuming a software licensing implementation for the sake of example), the management mechanism receives an inquiry regarding licensing of a particular set of software under a particular contract (the contract entitles a customer to consume a certain quota of resources under the contract). In response to the inquiry, the management mechanism determines a licensing amount. This licensing amount may be determined based upon many factors, including the set of software selected, other parameters specified in the inquiry, and the terms associated with the contract. Once the licensing amount is determined, and the customer commits to licensing the software, the management mechanism reduces the quota parameter of the contract by the licensing amount and allows the software to be used under the contract. Licensing of the software under the fulfillment contract is thus achieved and managed. Using the same process, other sets of software may be licensed under the same contract.

Features of the present invention, as recited in claim 1, and as similarly recited in claims 6, 7, 11, and 18, include: deleting a license from the database, where the deleted license corresponds to the license return request; specifying a user corresponding to the deleted license; and associating the specified user with a privilege corresponding to contents of the deleted license or with a privilege corresponding to the license return request for use of the contents, which can be recycled. The present invention is directed to purchasing at a purchase price, and returning with incentive points that do not relate to price or money. Yang does not disclose these combined features.

The Examiner relies upon Yang for teaching where the deleted license corresponds to a license return request, and for teaching a step of receiving from a user a license return request indicating a request to return a license granted for digital contents selected from the stored digital contents, citing paragraphs [0083] to [0084]. However, neither the cited text, nor any other portion of Yang, teaches or suggests the claimed features.

For example, as described in paragraph [0037], Yang is directed to a contract management mechanism where the quota of resources can be consumed in response to a contract. Remix (i.e., mixed resources previously consumed under the contract back into the quota of the contract) or a license for software that is not needed is canceled, and a credit is obtained (see paragraph [0047). The credit is then refunded, and the contract is canceled (see paragraphs [0085] and [0087]). There is no teaching or suggestion in Yang of the combined features of Yang. For example, Yang does not teach or suggest associating the specified user with a privilege corresponding to contents of the deleted license or with a privilege corresponding to the license return request for use of the contents, which can be

recycled, and as previously discussed, the features are not taught or suggested by Coley or Christiano either.

Therefore, Yang fails to teach or suggest: "<u>deleting a license from said database, said deleted license corresponding to the license return request</u>"; "<u>specifying a user corresponding to said deleted license</u>"; and "<u>associating said specified user with a privilege corresponding to contents of said deleted license or with a privilege corresponding to said license return request for use of the contents, which can be recycled</u>" as recited in claim 1, and as similarly recited in claims 6, 7, 11, and 18.

Each of Coley, Christiano and Yang suffer from the same deficiencies, relative to the features of the present invention, as recited in the claims. Therefore, combining the teachings of Coley, Christiano and Yang in the manner suggested by the Examiner does not render obvious the features of the present invention as now more clearly recited in the claims. Accordingly, reconsideration and withdrawal of the 35 U.S.C. §103(a) rejection of claims 1-20 as being unpatentable over Coley in view of Christiano, and further in view of Yang are respectfully requested.

The remaining references of record have been studied. Applicants submit that they do not supply any of the deficiencies noted above with respect to the references used in the rejection of claims 1-20.

In view of the foregoing remarks, Applicants submit that claims 1-20 are in condition for allowance. Accordingly, early allowance of claims 1-20 is respectfully requested.

To the extent necessary, the Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C., Deposit Account No. 50-1417 (referencing Attorney Docket No. 500.43150X00).

Respectfully submitted,

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